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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: JIN et al.

Application No.: 09/161,122

Group Art Unit: 1642

Filed: September 25, 1998

Examiner: Brumback, B.

For: RECOMBINANT RSV EXPRESSION  
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-045-999

(1202)  
1802 = 36.00

AMENDMENT UNDER 37 C.F.R. §1.116

RECEIVED

SEP 11 2002

OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

In response to the outstanding Final Office Action mailed February 6, 2001, and in accordance with 37 C.F.R. §1.116, please enter the amendments and consider the remarks below intended to put the claims into condition for allowance. Applicants submit concurrently herewith: (1) Petition to Accept Unintentionally Delayed Claim for Priority under 37 C.F.R. § 1.78(a)(3) accompanied by the appropriate fee (in duplicate); (2) a Request to Correct Inventorship Under 37 C.F.R. § 1.48(a) accompanied by the appropriate fee (in duplicate); (3) Statements by Inventors to Be Added Pursuant To 37 C.F.R. § 1.48(a)(2); (4) a Consent by Assignee for Correction of Inventorship Pursuant to 37 C.F.R. § 1.48(a)(5) with Exhibit 1; (5) a Declaration for Non-Provisional Patent Application executed by Hong Jin, Roderick Tang, Shengiang Li, Martin Bryant, David Kirkwood Clarke and Peter Palese; (6) a Sequence Listing in paper and computer-readable form; (7) a Statement under 37 C.F.R. § 1.825 affirming that the Substitute Sequence Listing and the computer-readable copy thereof are the same and do not include new matter; (8) Petition for Extension of Time under 37 C.F.R. 1.136(a) for 4 months accompanied by the appropriate fee (in duplicate); (9) Exhibit

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A, an Abstract as required by 37 C.F.R. 1.72(b); (10) Exhibit B a marked-up version of the amended claims wherein brackets indicates deleted matter and underlining indicates inserted matter; (11) Exhibit C, a copy of the claims which will be pending upon entry of this amendment; (12) Exhibit D, a marked-up version of the amended Specification wherein brackets indicates deleted matter and underlining indicates inserted matter; (13) an Amendment Fee Transmittal Form (in duplicate); (14) Request for Continued Examination Transmittal accompanied by the appropriate fee (in duplicate); and (15) under separate transmittal, Submission of formal drawings.

**INVENTORSHIP:**

*Ex. Note  
N/E  
per  
your  
approval* Please amend inventorship of the above-captioned application to include Peter Palese and David Kirkwood Clarke.

**PRIORITY:**

Please amend the claim to priority in the above-identified application to read as follows: the present application claims priority under 35 U.S.C. § 120 to Application Serial No. 08/316,439, filed September 30, 1994 (now U.S. Patent No. 5,840,520); and claims priority to Application Serial No. 60/060,153, filed September 26, 1997; to Application Serial No. 60/084,153, filed May 1, 1998; and Application Serial No. 60/089,207, filed June 12, 1998.

**IN THE SPECIFICATION:**

Please amend the specification as follows:

*a* On page 1, line 2, please insert the following: --The present application is entitled to and claims right of priority under 35 U.S.C. § 120 to Application No. 08/316,439, filed September 30, 1994, now U.S. Patent No. 5,840,520, issued November 24, 1998; and Application Serial No. 60/060,153, filed September 26, 1997; Application Serial No. 60/084,153, filed May 1, 1998; and Application Serial No. 60/089,207, filed June 12, 1998.--

On page 8, line 15, after 1L-5L, insert --(SEQ ID NOS:1-5)--.

On page 8, line 16, after 1T-9T, insert --(SEQ ID NOS:6-14)--.

On page 9, line 9, after genome, insert --(SEQ ID NOS:15-28)--.